



STATE BOARD OF EQUALIZATION

August 10, 1953

Your letter of August 6

Attention: _____
Valuation Engineer

Gentlemen:

You have inquired concerning the applicability of the California retail sales tax with respect to the sale of a "Fringe Line" consisting of 56 poles together with crossarms, insulators, and conductors to Pacific Gas & Electric Company.

The district holds a seller's permit under the Sales and Use Tax Law and makes miscellaneous sales including sales of interests in joint poles. You point out that sales of complete lines are infrequent, the last such sale being in 1948-9.

It is our opinion, nevertheless, that the sale in question is taxable. It does not appear that it can be regarded as an exempt occasional sale under Section 6006.5 of the Sales and Use Tax Law. Although perhaps meeting the first requirements set forth therein as a sale of property not held or used in an activity requiring the holding of a seller's permit, it appears not to meet the second requirement in that it is one of a series of sales sufficient in our opinion to constitute an activity requiring the holding of a seller's permit.

Yours very truly,

E. H. Stetson
Tax Counsel